

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

DAVID LEE SMITH, #10445

PETITIONER

VS.

CIVIL ACTION NO. 5:10cv30-DCB-MTP

RON KING, Superintendent

RESPONDENT

**ORDER DIRECTING RESPONSE TO MOTION**

Presently pending before the court is a Motion to Dismiss [7] filed by Respondent on May 12, 2010. Petitioner has not responded to the motion. Because the motion, if granted, could result in the dismissal of this case, the court will afford Petitioner a final opportunity to respond to the motion.

It is, therefore, ORDERED and ADJUDGED that:

1. Petitioner shall file his response to the motion on or before August 16, 2010; and
2. Should Petitioner fail to respond by August 16, 2010, the motion will be considered and ruled upon without his response.

SO ORDERED AND ADJUDGED this the 29th day of July, 2010.

s/ Michael T. Parker

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United States Magistrate Judge